

method, steam gravity displacement wrapped method, steam pulse-vacuum wrapped or  
unwrapped, steam pre-vacuum wrapped or unwrapped, paracetic acid, chlorine dioxide, gas  
plasma, formaldehyde-low temperature steam, microwave-bactericide, xenon lamp, glass  
bead, vacuum ovens, heat conduction ovens, forced air ovens, solvent venting ovens,  
5 anprolene gas.

### REMARKS

10 Claims 1-46 are in the application. Claims 1, 7, 13, 20-21, 27-28, 34-35 and 41 have  
been amended in this response.

#### **35 USC §112 rejections**

15 In the office action, the Examiner rejects claims 4, 7, 11, 13, 17, 20, 24, 27, 31, 34-35,  
38, 41 and 44-46 under 35 U.S.C. §112 as being indefinite for failing to particularly point out  
and distinctly claim the subject matter which applicant regards as the invention.

#### **Markush language**

20 With respect to claims 7, 13, 20, 27, 34-35 and 41, the Examiner pointed out the  
preferred Markush group semantics. Applicant amended such claims to comply with the  
Examiner's suggestion. Applicant respectfully submits that these amendments merely make  
explicit what is already implicit, and thus are not narrowing amendments.

#### **Indefiniteness:**

25 With respect to claims 4 (inadvertently cited claim 7), 11, 17, 24, 31 and 38,  
Applicant respectfully traverses the rejection and submits that the claims are patentably  
definite in view of the specification.

#### **Typographical errors:**

30 With respect to claims 45 and 46, the Examiner pointed out that the claims were  
typographically flawed. However, applicant's review of the originally submitted claims 45

and 46 reveals that the originally submitted claims 45 and 46 read as follows:

44. The resposable container of claim 41 wherein the exhaust vent is defined by a series of perforations allowing the user to selectively open the exhaust vent.

5

45. The resposable container of claim 41 further comprising a rack elevating the contents of the container from the floor panel.

Accordingly, applicant respectfully seeks a correction of claims 44 and 45 in the Office's files.

10

Moreover, the Examiner cited 35 U.S.C. §112 rejection against claim 44, without specifically stating the reasons therefore. Applicant assumes that this is an inadvertent typographical error and that the Examiner intended to cite claims 45-46.

15

**35 USC §102 rejections, Goglio:**

The Examiner rejected claims 1-4, 7-11, 13-17, 20-24, 27-31, 34-38 and 41-44 under 35 U.S.C. §102(b) as being anticipated by Goglio U.S. patent number 5,285,954.

Applicant respectfully traverses the Examiner's rejection and points out that the foregoing is not a prima facie 102(b) rejection. Goglio discloses a "lamine diaphragm," column 2, lines 10-24. This diaphragm is detached from the walls and when filled with contents, the diaphragm fills the spaces not occupied by the contents therein to support the shape of the container for more efficient storage. Therefore, Goglio does not disclose the claimed subject matter of the rejected claims, which were originally submitted with the limitation of "a laminate covering at least one side of at least one of the panels."

25

**35 USC §102 rejections, Padgett**

The Examiner rejected claims 1, 7-8, 13-14, 20-21, 27-28, 34-35 and 41 under 35 U.S.C. §102(b) as being anticipated by Padgett U.S. patent number 4,644,586.

Applicant amended independent claims 1, 21, 28, 35 and 41, and defined one of the panels as an entry to the enclosable area. Accordingly, all of the independent claims of the present invention have a patentably distinct entry point and a selectable exhaust point.

30

Whereas Padgett discloses a device with a single aperture 44.

Namely, the Padgett reference discloses two embodiments. In the preferred embodiment, a container 10 (essentially a pouch or a bag) has a contiguous pervious section 14 and an impervious section 12. Container 10 has a single entry point defined by a seal line 30. The Padgett reference does not disclose an exhaust. The contents are sterilized in the pervious section 14 and then shifted to the impervious section 12. The impervious section 12 is then separated and sealed from the pervious section 14 via a hot wire 36 in the region 38.

In the second embodiment, the Padgett reference discloses a box structure 40 with a single aperture 44. A pervious web 46 covers the aperture. Once sterilized, the pervious web 46 and aperture 44 are covered by an impervious plastic layer 48, thus sealing the contents. Again, in contrast to the claims of the present invention, the Padgett reference does not disclose an entrance and an exhaust.

Applicant further submits that the remainder of the rejected claims, namely claims 7, 27 and 34 are dependent on the patentably distinct, amended, independent claims 1, 21 and 28 respectively.

Applicant submits that independent claims 8 and 14 were originally submitted with the limitations described above and for the foregoing reasons they are patentably distinct. Moreover, claims 13 and 20 are dependent on claims 8 and 14 and are also patentably distinct.

**35 USC §103 rejections, Goglio, Cote, Stone**

In the Office Action, the Examiner rejected claims 5-6, 18-19, 25-26, 32-33, 39-40 and 45-46 under 35 U.S.C. §103 as being unpatentable over Goglio as applied to claims 1-4, 7-11, 13-17, 20-24, 27-31, 34-38 and 41-44 above, and further in view of either Cote et al., U.S. patent No. 5,913,422 or Stone et al., U.S. patent No. 5,732,821.

Applicant respectfully submits that this obviousness rejection is moot, as the rejected claims are dependent on patentable independent claims.

///

///

///

///

**Conclusion**

For the foregoing reasons, Applicant respectfully submits that all of the claims are allowable. The Examiner is earnestly solicited to allow all claims and pass this application to  
5 issuance.

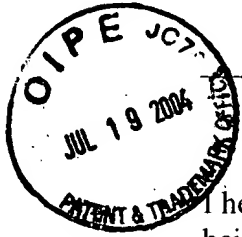
Applicant encloses a \$55 check for the one month extension to the shortened statutory period to respond to this office action. Applicant is a small entity.

10 Respectfully submitted,

Date: July 19, 2004

15   
Sam Talpalatsky  
Reg. No. 35,380

20 Sam Talpalatsky, Esq.  
10867 Cloverhurst Way  
San Diego, CA 92130  
Telephone No.: (949) 246-7712



## CERTIFICATE OF MAILING

I hereby certify that this paper (along with any referred to as being attached hereto) is being deposited with the United States Postal Service, Express Mail, Post Office to Addressee, Mailing Label No. ER 808635103 US, on the date shown below with sufficient postage, addressed to Box Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

July 19, 2004

Date of Deposit

Sam Talpalatsky

Name of Person Mailing Paper

Signature of Person Mailing Paper